

***TOWN OF NEWFIELDS BOARD OF SELECTMEN  
MEETING MINUTES  
TUESDAY, MAY 15, 2007***

The meeting was called to order at 6:34pm. Selectmen present were: Michael Woodworth, Wes Moore, and James McIlroy. Others present were: Brian Knipstein, Reuben Hull, Mike Price, Tracy Bentley, Steve Taetzch, Eric Nichols, and Elliot Alexander.

Brian Knipstein (Road Agent) informed the Selectmen that he met with Chris Hutchins on Sanborn Drive regarding sinkholes. The sinkholes are from stumps that were buried over fifteen years ago and are in the Town's drainage culvert. The three holes are four to five feet deep and are a hazard. The Highway Department will fill in the holes and hand grade it. The culvert work will be completed in mid June. The sinkholes across the street are not in the Town's right of way and the property owner is responsible for the repairs.

There is a sinkhole at the end of the driveway at 30 Pleasant Street. The culvert is corroded and collapsed. As the culvert feeds from a catch basin and into a swale and eventually under the road, it is the Town's responsibility to make the repairs. The Highway Department will complete the work necessary.

With regard to the sinkhole in the driveway on Old Lee Road, Wes spoke with the property owner and made him aware that the repairs are the responsibility of the homeowner. He explained that the swale is built before the driveway is installed and that the owner must meet Town Regulations when putting in the driveway.

The subject of the Library Parking Lot was raised. James stated that the Selectmen are not supervising the project, but want to make sure that the abutters are kept informed. At this time only dead trees and brush have been removed from the area.

Brian has not heard from the Library Trustees, but stated that if they expect him to snowplow the parking lot there will be an increased cost to the Town and his budget. If the Highway Department is expected to plow the area, the parking lot should be built to the Highway Department specifications. Funds should be put into the budget for the increased costs.

If the parking lot is gravel, regular maintenance and grading would be required. Brian asked if that also would be the responsibility of the Highway Department. The gravel will be moved around during the plowing season and would the Highway Department be responsible for the clean up or would the Library take responsibility?

It was decided that Michael Woodworth will speak to the Library Trustees and ask them to keep the Selectmen and Highway Department informed of their plans because of the increase in cost to the Town. At this point in time, the project is on hold.

Brian advised the Selectmen that he did not have a chance to look at the wall located at Badger Park. James described the problem with the rocks falling out of the wall. Brian will look at the area and believes it can be repaired at a reasonable cost. He will get back to the Selectmen with a remedy and pricing. If there is not an immediate danger to public safety, this may be put on a Warrant Article in 2008.

The Town received new maps from Cartographics. Copies will be given to each Selectman.

The letter to a resident regarding retail auto sales was signed and a copy will be sent to the party who made the complaint.

Wes advised his fellow Selectmen that he had contacted Newfields resident Darren Tuttle for an estimate to refinish the Town Hall floors. Darren did call Wes back once. Wes then called Darren several times and did not receive a call back. Cabral Wood Flooring has submitted an estimate and we will receive at least one other estimate for this work. As the cost is higher than anticipated, this may be put on a Warrant Article for 2008.

Michael Price spoke about the Bicycle Lane not being supported by the Selectmen. He feels it is a “no brainer” and gave several e-mails to the Selectmen in support of the project. Michael said that other towns are asking for funds and Newfields is turning down the funds offered.

Reuben Hull felt that the Town Counsel was going to be in touch with the New Hampshire Department of Transportation lawyers and come to an agreement with them. He was “shocked” that the Town voted not to participate in the Municipal Managed Project. Newmarket will take on the project, but it will end at the town line. He did not feel that the project was “at risk” at the public hearing.

James stated that there are direct costs related to the project and liability issues to the Town in a Municipal Managed Project and that these were major factors in the Selectmen’s decision. The Board is not against the bicycle lane project, but feels that the benefit to the Town is out-weighted by the risk of a Municipal Managed Project versus a State project. The State has informed the Town that the bridge on Route 108 will not be widened to accommodate the bicycle lane and the Selectmen feel that this is dangerous to both motor vehicles and bicyclists. Wes feels that a bicycle lane on the Route 108 bridge would encourage its use and that it is just too dangerous.

Tracy Bentley said that people can make their own choices and it is not up to the

Town to decide that the bridge is dangerous for walkers and bikers. She also feels that it is ridiculous that the Selectmen did not sign the contract.

Eric Nichols said that he was in a group of 40 bicyclists that went over the bridge last night and that New Road could be used instead of the bridge. He feels that a painted lane from the intersection of Routes 85/108 would be beneficial to bicyclists.

Wes reminded the group that the Selectmen discussed this project for months and that information was available in the meeting minutes and the newspaper. He mentioned that there was little support at the public hearing and the ten people now asking for the bicycle lane will not change the Selectmen's decision.

Wes suggested that the people interested in a bicycle lane contact the State to ask them to widen the bridge to fix the problem. Reuben feels the Town should act now or the Town will never receive funds from the State. He feels it puts the Town in a bad light with the State for the sidewalk funding project. He feels the bridge will be safe with new striping and the Town should not have spent funds on legal fees for the contract review. Reuben has not charged fees to the Town for his time because the fees are reimbursable after the contract is signed. He asked what the liability issue the Town is concerned about because in his opinion there are five other parties that would be held responsible before the Town of Newfields.

James stated that eminent domain issues are the Town's responsibility as is the failure of contractors. The Town Counsel gave a list of potential problems with the contract. The Selectmen feel the benefits do not outweigh the risks.

Reuben felt there was not enough notice of the public hearing. However, it was posted in the Exeter Newsletter, the Newfields Post Office, the Library, the Town Office, on the marquee in front of the Town Hall, in the Selectmen's Meeting Minutes, and on the Town's Website.

Steve asked if the big curb on the bridge would be removed to widen the road.

James feels there are a lot of unknowns in the project. Wes feels that if the bridge situation can be mitigated, the legal issues resolved, and the Townspeople support the project that this is still a federally and state funded project and will have many restrictions.

Alex and Eric feel the bridge is not an issue and that a bicycle lane would actually make the bridge safer. The Selectmen feel that additional people would be encouraged to use the bridge as part of the bicycle lane when the Town does not feel it is safe to do so.

Reuben said a Municipal Managed Project will give the Town a larger voice in how the project proceeds and where it goes along Route 108.

Wes said that all of the residents present at this meeting would like to have a bicycle lane built and suggested holding another public hearing.

It was asked if the State would be willing to let Newfields change their decision. Reuben stated that construction would not begin for a minimum of one year. He also said that the Town has the option of opting out of the contract after signing it, however the Town cannot opt in after the project has started. Therefore, now is the time to sign the contract.

Michael Woodworth stated that he is not worried about the money or legal issues. He looked at the bridge and feels it is dangerous for bicycles to go over now. Tracy stated that Route 108 is dangerous, not just the bridge. She feels the vehicles on the road are more dangerous than bicycles and the issue is being muddled. She wants the Selectmen to vote tonight to change their mind and sign on with the project.

Wes feels there are too few people in support of the project to make another decision on the project and feels another public hearing would be in order.

Reuben would like a list of the Selectmen's concerns with the contract. He feels there are many layers of responsible parties above the Town of Newfields.

A question of why the Selectmen had the Town Counsel review the contract was asked when other towns and cities just sign the contract without legal review and incurring legal expenses. It is the Selectmen's responsibility to make the best decisions for the Town and to obtain legal advice if necessary.

Wes said that if there was this much passion at the public hearing that the Selectmen may have made a different decision.

Alex does not want Newfields to be known as the Town that refused a bicycle lane. Wes stated that the Town should be known for spending more than four million dollars on conservation land – this is much more than any other town of our size in the State of New Hampshire.

Reuben did look at the rock wall at Badger Park as requested by the Selectmen. He feels that using ready rock blocks (pre-cast cement pieces that work like legos) to replace the rock wall would be a simple solution to the issue. Only a leveling area would be needed and it would not need to go below the frost line. Reuben will obtain pricing to repair/re-build the wall. If the wall is moved back one foot, all work could be done from the Town's side of the property line.

The Selectmen decided to hold a second public hearing on the proposed bicycle lane between Newmarket and Stratham. The hearing will be held on June 12, 2007 at 7:00pm at the Newfields Town Hall. Al Dixon of Newmarket and Ram Maddali of the State of New Hampshire Department of Transportation will be invited to the hearing to answer questions from the townspeople. The meeting will be noticed in the Selectmen's Meeting Minutes, the Exeter Newsletter, the Town Office, the Post Office, the Newfields Library, on the marquee and on the Town's Website.

The Selectmen asked Reuben to review the plans for the Library Parking Lot. Reuben was asked by the Library Trustees to design the project and he declined because it would be a conflict of interest. He is willing to review the plans for the Town.

With regard to the handicapped ramp, the welder should be at the Town Hall today or tomorrow to look at the ramp and will meet with Reuben on Thursday to discuss the design. There will be three sections to the railings to comply with the new ADA regulations. It will be black as the other railings are out in front of the Town Hall. Reuben also mentioned that the power washing to remove the paint from the ramp will be completed before next Tuesday.

The issue with the yard sale and real estate signs was raised again. Reuben feels it was written for permanent signs, but could apply to temporary signs also. He needs to do some research to find out if there are federal or state laws which permit signs to be displayed.

The rental of the lower portion of the old Post Office building was discussed. It was agreed that the renter would be responsible for plowing, maintaining the lower level, the rental would be on a month to month basis, no outside storage of anything is allowed, and the doors must be kept shut. Wes will tell Dave Martin that the Selectmen have come to an agreement in principle, but need to come up with a contract to be signed by both parties. The monthly rent will be \$200. It was noted that this space is not heated and that no security system is in place as compared to other storage spaces available for rent in Newfields.

Wes advised that Ray Buxton was able to fix the door to the furnace room in the old Post Office Building for a very fair cost rather than replacing the door. Wes asked Nancy to contact the Garden Club about planting flowers in the flower boxes at the old Post Office Building.

Michael spoke briefly about the Concepts in Benefits program for the employees. There is a start up charge of \$550.00. As the Selectmen have many questions about this program (which must be in place in order to allow employees to deduct their insurance co-payment prior to taxes), Michael will arrange for a representative to meet with the Selectmen.

James made a motion to approve the minutes of the May 8, 2007 meeting. Michael seconded the motion and the motion passed with both in favor. Wes abstained from the voting as he did not attend the meeting.

James advised that he is still working on the final instructions for the Dispatch Advisory Committee.

The Celebration Committee forwarded a Certificate of Insurance to the Town Office from Wildlife Encounters LLC. A program for the Memorial Day Celebration was also given to the Selectmen.

It was determined that the Police and Fire Departments currently receive Comcast Cable at no charge.

Nancy was asked to contact Primex regarding the Multi-Year Discount Program Agreement. The current agreement expires in 2009, but we are being asked to sign an extension now.

The Celebration Committee was asked if they had funds for the stage curtain replacement fund. Nancy was told that all unexpended funds from the Celebration Committee are returned to the Town's General Fund at the end of the year, so there are no funds set aside for the specific purpose to replace the curtain.

A Small Claim Complaint was filed against Town Clerk/Tax Collector, Town of Newfields, and Sue McKinnon for reimbursement of overpayment of taxes for the years 2001 through 2005. This has been forwarded to the Town Counsel for disposition.

Eight Current Use Change Tax bills were signed by the Selectmen.

No Selectmen's Meeting will be held on Tuesday, July 3<sup>rd</sup>, 2007.

Wes made a motion to adjourn the meeting at 9:45pm. James seconded the motion and the motion passed with all in favor.

Respectfully submitted,

Nancy J. Spencer